



Fergus County

712 W. Main • Lewistown, MT 59457
Ph: 406-538-5119 • Fax: 406-538-9023
email: commissioners@co.fergus.mt.us

EXHIBIT 7
DATE 2/4/2009
HB 276
Commissioners:

Carl Seilstad
Ken Ronish
John Jensen

February 4, 2008

Ron Stoker – Chairman
House Judiciary Committee

Re: HB 276

Dear Representative Stoker and Members of the Committee,

Fergus County would like to go on record opposing House Bill 276 regarding medical expenses for detainees.

The problems that we see with the bill include the definition of a “detainee” along with increased fiscal responsibility placed on the counties.

First, the unclear definition of detainee by this bill would in our view place anyone who has interaction with law enforcement the ability to make the county liable for their medical costs. Case in point: If a law enforcement officer stops a vehicle for a minor infraction (ie: tail lamp out), and the driver has a heart attack because of the “direct interaction with law enforcement”, the county would be liable for the medical expenses for the driver.

Second, the bill places financial responsibility for law enforcement activities on the counties, regardless of the agency enacting their duties. Why should the counties be liable for medical expenses for agencies that are not within our financial jurisdictional authority? Particularly, agencies like local city police departments, the Montana Highway Patrol, State Fish and Game, and the Department of Criminal Investigation. In short, with this bill any agency with arresting powers within the State of Montana would financially bind the counties for medical expenses.

In summary, the ambiguity of the language and the financial responsibility to be placed on counties makes this an unworkable solution. We urge the committee’s support in defeating this bill.

Sincerely,

John Jensen, Chairman

Carl Seilstad, Commissioner

Ken Ronish, Commissioner

Thomas P. Meissner
Fergus County Attorney

Monte J. Boettger
Deputy County Attorney

Jean A. Adams
Deputy County Attorney
HR Director



Fergus County

712 W. Main • Lewistown, MT 59457
Ph: 406-535-8127 • Fax: 406-535-2022

Sandra Thompson
Victim/Witness Coordinator

Patricia E. Fry
Legal Assistant
Office Manager

Kristin Myhre
Legal Assistant
Check Collections

January 29, 2009

Representative Ron Stoker
Chairman, Judiciary Committee
Montana House of Representatives
P.O. Box 200400
Helena, MT 59620-0400

RE: House Bill 276

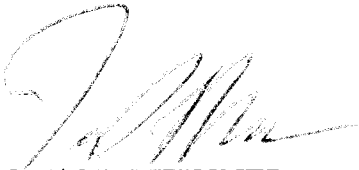
Dear Representative Stoker and Members of the House Judiciary Committee:

We oppose House Bill 276, as it is based upon a faulty assumption, and it will likely cause a staggering financial impact to counties in Montana, especially counties with fewer resources.

As proposed, HB 276 states: "WHEREAS, the Montana Supreme Court, in *Montana Deaconess Medical Center v. Johnson* . . . established the common-law rule relating to responsibility for pre-detention medical costs by holding that the government has a constitutional obligation under the due process clause to provide inmate medical care . . ." This statement is not accurate, as *Johnson* holds that counties could be made liable for medical costs of defendants while they are detained, and only if they are eventually charged.

The Montana Supreme Court holding in *Johnson* did not make government responsible for "pre-detention" medical costs. HB 276 imposes a new (unfunded) governmental financial liability as it adds responsibility for "pre-detention" medical costs, where such does not currently exist. We urge you to reject passage of this bill.

Sincerely,


THOMAS P. MEISSNER
Fergus County Attorney


MONTE J. BOETTGER
Deputy Fergus County Attorney


JEAN A. ADAMS
Deputy Fergus County Attorney

FERGUS COUNTY SHERIFF'S OFFICE

THOMAS L. KILLHAM, SHERIFF
121 8TH AVE SOUTH, P.O. BOX 180
LEWISTOWN MONTANA 59457
(406) 535-3415 FAX (535-3860)

3 February 2009

Representative Ron Stoker
Chairman, Judiciary Committee
Montana House of Representatives
P.O. Box 200400
Helena Mt 59620-0400

RE: House Bill 276

Dear Representative Stoker and Members of the House Judiciary Committee:

I oppose House Bill 276 regarding medical expenses for inmates housed in the county detention facilities.

This bill is unclear as to what point that county government becomes responsible for the medical bills incurred when persons are incarcerated in county facilities. The bill clearly needs some work and input from the entities that regularly handle inmates at the county level. More and more responsibility is being placed on county government with less concern to the county taxpayer.

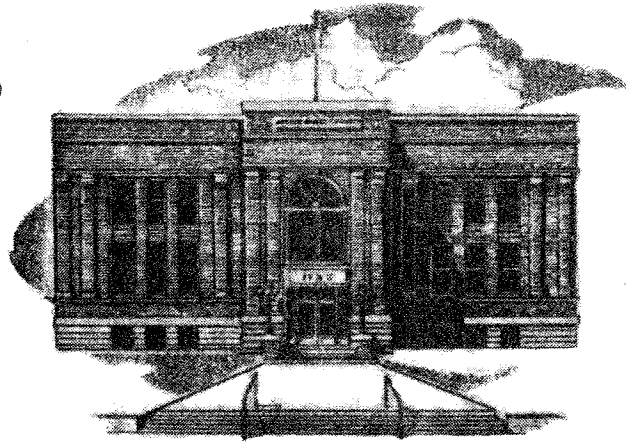
Thank you for your consideration in this matter and I urge your support in defeating this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas L. Killham".

Thomas L. Killham, Sheriff

JUDITH BASIN COUNTY
BOX 427
STANFORD, MONTANA 59479



COUNTY COMMISSIONERS
JEROME KOLAR
G.C. "TUCKER" HUGHES
CODY McDONALD

February 4, 2008

Ron Stoker – Chairman
House Judiciary Committee

Re: HB 276

Dear Representative Stoker and Members of the Committee,

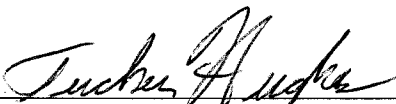
Judith Basin County is **opposed** to House Bill 276 regarding medical expenses for detainees.

House Bill 276 places counties with a fiscal responsibility from agencies that are outside our financial jurisdiction. For counties to shoulder the financial burden regardless of the agency is improper. We cannot have local, county or state agencies dictating these financial obligations.


Another concern is the verbiage "detainee". The definition of detainee is unclear and may impose unforeseen consequences.

In closing we urge the committee's support in **defeating** HB 276.

Sincerely,


Tucker Hughes, Chairman


Bill Annala, Commissioner


Cody McDonald, Commissioner

**COUNTY OF JUDITH BASIN
OFFICE OF THE SHERIFF**

91 3rd St N / P.O. Box 427
Stanford, Mt. 59479
Ph. 406-566-2212 Fax 406-566-2976

Sheriff Raymond Clark
Deputy Tim Wilhelms

Undersheriff Jon Schmitt
Deputy Nathan Hammontree

February 3rd 2009

Reference HB 276

Dear Representative Stoker and Members of the Committee,

The Judith Basin County Sheriff's Office would like to oppose House Bill 276.

This is in regards to medical expenses for detainees.

The Judith Basin County Sheriff's office is a small department. We have limited budget and resources. Passage of this bill would have a substantial impact on our jail and medical budget. Putting undue strain on our local taxpayers.

The Judith Basin County's Sheriff's Department does not feel that we should have to foot the bill for other agencies such as Montana Fish and Game, Montana Highway Patrol and other state or federal agency's working in our jurisdiction.

Should preexisting conditions fall under consideration for the county's financial responsibility? The Judith Basin County Sheriff's office does not feel that the county should have that financial responsibility.

We would respectfully ask the Committee support in defeating HB 276

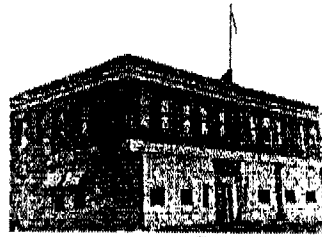
Sincerely


Sheriff Raymond Clark

Board of County
Commissioners
Lee Iverson, Chairman
J. Chris King
Larry Ahlgren

Lisa A. Solf
County Manager
Treasurer, Assessor
Phone 429-5551

Monte J. Boettger
County Attorney
Phone 429-5311
535-8127



COUNTY OF PETROLEUM

P.O. Box 226
301 East Main
Winnett, Montana 59087

Donna M. Lund
Justice of the Peace
Phone 429-5311

Mary L. Brindley
Clerk and Recorder
Clerk of Court
Phone 429-5311

Glen C. Gillett
Sheriff
Phone 429-8551

R.J. (Dick) Brown
Coroner
Phone 538-8711

COUNTY FAX 429-6328

February 4, 2008

Representative Ron Stoker
Chairman, Judiciary Committee
Montana House of Representatives
P.O. Box 200400
Helena, MT 59620-0400

Re: HB 276

Dear Representative Stoker and Members of the Committee,

The Petroleum County Commission would like to go on record opposing House Bill 276 pertaining to county responsibility for the medical expenses of detainees.

The problem we see with the bill is two-fold. The first revolves around the definition of a "detainee"; the second relates to the increased financial responsibility placed on counties.

The unclear definition of the term "detainee" as proposed by this bill would make a county potentially responsible for medical costs incurred by anyone who has interaction with law enforcement regardless of the nature of the contact. For example, if a law enforcement officer stops a vehicle for a minor infraction (e.g., a tail lamp out), and the driver suffers a heart attack during this "direct interaction with law enforcement", the county could be liable for the medical expenses of the driver.

Moreover, the bill places financial responsibility on counties regardless of the law enforcement agency involved when the medical liability is incurred. Counties should not be responsible for medical expenses created by agencies not within their financial jurisdictional authority such as the Highway Patrol, the Fish, Wildlife and Parks, and the Department of Criminal Investigation. Under the proposed bill, the actions of any agency with arrest powers within the State of Montana could involuntarily bind the county for detainee medical expenses.

In summary, the ambiguity of the language and the increased financial responsibility placed on counties by HB 276 make it an unworkable piece of legislation. We urge the Committee's support in defeating this bill.

Sincerely,


Lee Iverson, Commissioner


Chris King, Commissioner


Larry Ahlgren, Commissioner

Board of County
Commissioners
Lee Iverson, Chairman
J. Chris King
Larry Ahlgren

Lisa A. Solf
County Manager
Treasurer, Assessor
Phone 429-5551

Monte J. Boettger
County Attorney
Phone 429-5311
535-8127



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February 2, 2009

Representative Ron Stoker
Chairman, Judiciary Committee
Montana House of Representatives
P.O. Box 200400
Helena, MT 59620-0400

RE: House Bill 276

Dear Representative Stoker and Members of the House Judiciary Committee:

As the Petroleum County Attorney, I oppose House Bill 276. The bill is based upon a faulty assumption, and will likely cause a staggering financial impact to counties in Montana, especially counties with fewer resources.

As proposed, HB 276 states: "WHEREAS, the Montana Supreme Court, in *Montana Deaconess Medical Center v. Johnson* . . . established the common-law rule relating to responsibility for pre-detention medical costs by holding that the government has a constitutional obligation under the due process clause to provide inmate medical care . . ." This statement is not accurate, as *Johnson* holds that counties could be made liable for medical costs of defendants while they are detained, and only if they are eventually charged.

The Montana Supreme Court holding in *Johnson* did not make government responsible for "pre-detention" medical costs. HB 276 imposes a new (unfunded) governmental financial liability as it adds responsibility for "pre-detention" medical costs, where such does not currently exist. Accordingly, I urge the Committee to reject passage of this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Monte J. Boettger", is written over a horizontal line. The signature is fluid and cursive.

MONTE J. BOETTGER
Petroleum County Attorney